IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUIT NO. 1584 OF 1988

The Board of Trustees of the
Port of Bombay. ...Plaintiffs.

V/s.

M/s. Polychem Industries. ...Defendants.

Mr.U.J. Makhija i/b. Motiwala & Co. for the Plaintiffs.

None for the Defendents.

CORAM : DR. D.Y. CHANDRACHUD,J.

14TH SEPTEMBER, 2006.

P.C. :

1. The suit has been instituted by the Board of Trustees of the Port of Mumbai for the recovery of the deficit of wharfage, demurrage and other charges. The suit is filed for the recovery of a total sum of Rs.4,01,237.29 together with further interest on the principal sum. The Defendants have not filed their written statement in the Suit which has been instituted in 1988. Accordingly, by an order dated 25th August 2006, the suit was directed to proceed against the Defendant for want of written statement.

2. The Plaintiffs have filed an affidavit in lieu of the examination-in-chief of the Assistant Docks Manager.

3. A complilation of the original documents has been tendered and is taken on record. The claim in the suit is proved. The suit accordingly stands decreed in the sum of Rs.4,01,237.29. The Plaintiffs shall be entitled to interest at the rate of 9% per annum on the principal sum of Rs.3,84,395.29 from the date of the institution of the suit till payment or realisation and to the costs of the suit.